

Cummings	Kildee	Petri	Nethercutt	Rodriguez	Tauzin	Bell	Hoefel	Pallone
Davis (CA)	Kind	Pomeroy	Neugebauer	Rogers (AL)	Taylor (MS)	Berkley	Holden	Pascrell
Davis (FL)	Kirk	Price (NC)	Ney	Rogers (KY)	Taylor (NC)	Berry	Holt	Pastor
Davis (IL)	Klecicka	Rahall	Northup	Rogers (MI)	Terry	Bishop (GA)	Honda	Payne
Davis (TN)	LaHood	Ramstad	Norwood	Rohrabacher	Thomas	Bishop (NY)	Hoyer	Pelosi
Davis, Tom	Langevin	Ros-Lehtinen	Nunes	Royce	Thornberry	Blumenauer	Inslee	Pomeroy
DeGette	Lantos	Ross	Osborne	Ryan (WI)	Tiahrt	Boehler	Israel	Price (NC)
Delahunt	Larsen (WA)	Roybal-Allard	Ose	Ryun (KS)	Tiberi	Boswell	Jackson (IL)	Rahall
DeLauro	Larson (CT)	Ruppersberger	Otter	Sandlin	Toomey	Boucher	Jackson-Lee	Renzi
Deutsch	Leach	Rush	Oxley	Schrock	Turner (OH)	Boyd	(TX)	Rodriguez
Dicks	Lee	Ryan (OH)	Pearce	Sensenbrenner	Turner (TX)	Brady (PA)	Jefferson	Ross
Dingell	Levin	Sabo	Pence	Sessions	Udall (NM)	Brown, Corrine	John	Rothman
Doggett	Lewis (GA)	Sanchez, Linda T.	Peterson (MN)	Shadegg	Upton	Brown-Waite,	Johnson, E. B.	Roybal-Allard
Dooley (CA)	LoBiondo	Sanchez, Loretta T.	Peterson (PA)	Shaw	Vitter	Ginny	Kanjorski	Ruppersberger
Doyle	Lofgren	Sanders	Pickering	Sherwood	Wamp	Capps	Kennedy (RI)	Rush
Ehlers	Lowey	Saxton	Pitts	Shimkus	Weldon (FL)	Capuano	Kildee	Ryan (OH)
Emanuel	Lucas (KY)	Schakowsky	Platts	Shuster	Weldon (PA)	Cardin	Kind	Sabo
Engel	Lynch	Schiff	Pombo	Simmons	Weller	Cardoza	Klecicka	Sanchez, Linda T.
Eshoo	Maloney	Scott (GA)	Porter	Simpson	Whitfield	Carson (IN)	Lampson	Sanchez, Loretta T.
Etheridge	Markey	Scott (VA)	Portman	Smith (MI)	Wicker	Carson (OK)	Langevin	Sanders
Evans	Marshall	Serrano	Pryce (OH)	Smith (TX)	Wilson (NM)	Case	Lantos	Sandlin
Farr	Matheson	Shays	Putnam	Souder	Wilson (SC)	Clay	Larsen (WA)	Schakowsky
Filner	Matsui	Sherman	Radanovich	Stearns	Wolf	Clyburn	Larson (CT)	Schiff
Ford	McCarthy (MO)	Skelton	Regula	Stenholm	Young (AK)	Conyers	Leach	Scott (GA)
Frank (MA)	McCarthy (NY)	Slaughter	Rehberg	Sullivan	Young (FL)	Cooper	Lee	Scott (VA)
Frost	McCollum	Smith (NJ)	Renzi	Sweeney		Costello	Levin	Serrano
Gerlach	McDermott	Smith (WA)	Reynolds	Tancredo		Cramer	Lofgren	Sherman
Gilchrest	McGovern	Snyder	Ackerman	Gutknecht	Meehan	Crowley	Lowey	Skelton
Gordon	McHugh	Solis	Berman	Hastings (FL)	Napolitano	Cummings	Lucas (KY)	Slaughter
Green (WI)	McIntyre	Spratt	Brown (OH)	Hinche	Nussle	Davis (CA)	Lynch	Smith (WA)
Greenwood	Meek (FL)	Stark	Burr	Hooley (OR)	Ortiz	Davis (FL)	Maloney	Snyder
Grijalva	Meeks (NY)	Strickland	Burton (IN)	Johnson (CT)	Paul	Davis (IL)	Markey	Solis
Gutierrez	Menendez	Stupak	Buyer	Jones (OH)	Quinn	Davis (TN)	Marshall	Spratt
Harman	Michaud	Tanner	Cox	Kilpatrick	Rangel	DeGette	Matheson	Stark
Harris	Millender-	Tauscher	Davis (AL)	Kucinich	Reyes	Delahunt	McCarthy (MO)	Stenholm
Hill	McDonald	Thompson (CA)	DeFazio	Lewis (CA)	Rothman	DeLauro	McCarthy (NY)	Strickland
Hoefel	Miller (NC)	Thompson (MS)	Fattah	Lipinski	Towns	Deutsch	McCollum	Stupak
Holden	Miller, George	Tierney	Fletcher	Majette	Walden (OR)	Dicks	McDermott	Tanner
Holt	Moore	Udall (CO)	Gephardt	McInnis	Wu	Dingell	McGovern	Tauscher
Honda	Hoyer	Van Hollen				Dooley (CA)	McHugh	Taylor (MS)
Hoyer	Inslee	Velazquez				Doyle	McIntyre	Thompson (CA)
Inslee	Israel	Visclosky				Edwards	McNulty	Thompson (MS)
Jackson (IL)	Jackson-Lee	Walsh				Emanuel	Meek (FL)	Tierney
(TX)	Obey	Waters				Engel	Meeks (NY)	Turner (TX)
Jefferson	Olver	Watson				Eshoo	Menendez	Udall (CO)
Johnson (IL)	Owens	Watt				Etheridge	Michaud	Udall (NM)
Johnson, E. B.	Pallone	Waxman				Evans	Millender-	Van Hollen
Kanjorski	Pascrell	Weiner				Farr	McDonald	Velazquez
Kaptur	Payne	Wexler				Filner	Miller (NC)	Visclosky
Kelly	Pelosi	Wynn				Ford	Miller, George	Waters
Kennedy (RI)						Frank (MA)	Mollohan	Watson
						Frost	Moore	Watt
						Gonzalez	Moran (VA)	Waxman
						Gordon	Murtha	Weiner
						Green (TX)	Nadler	Wexler
						Grijalva	Neal (MA)	Wilson (NM)
						Gutierrez	Oberstar	Woolsey
						Harman	Obey	Wynn
						Hill	Olver	
						Hinojosa	Owens	

## NOT VOTING—36

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1211

Mr. CRAMER and Mr. NUNES changed their vote from “yea” to “nay.”

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GINNY BROWN-WAITE of Florida, Mr. Speaker, on rollcall No. 618 an error occurred. I mistakenly voted “no” and should have voted “yes.”

# MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from California (Mr. CARDOZA) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 184, nays 207, not voting 43, as follows:

[Roll No. 619]

YEAS—184

## NAYS—210

Aderholt	Cubin	Herger
Akin	Culberson	Hinojosa
Alexander	Cunningham	Hobson
Bachus	Davis, Jo Ann	Hoekstra
Baker	Deal (GA)	Hostettler
Ballenger	DeLay	Houghton
Barrett (SC)	DeMint	Hulshof
Bartlett (MD)	Diaz-Balart, L.	Hunter
Barton (TX)	Diaz-Balart, M.	Hyde
Bass	Doolittle	Isakson
Beauprez	Dreier	Issa
Bell	Duncan	Istook
Bereuter	Dunn	Janklow
Biggart	Edwards	Jenkins
Bilirakis	Emerson	John
Bishop (UT)	English	Johnson, Sam
Blackburn	Everett	Jones (NC)
Blunt	Ferguson	Keller
Boehner	Flake	Kennedy (MN)
Bonilla	Foley	King (IA)
Bonner	Forbes	King (NY)
Bono	Fossella	Kingston
Boozman	Franks (AZ)	Kline
Brady (TX)	Frelinghuysen	Knollenberg
Brown (SC)	Gallegly	Kolbe
Brown-Waite,	Garrett (NJ)	Lampson
Ginny	Gibbons	Latham
Burgess	Gillmor	LaTourette
Burns	Gingrey	Lewis (KY)
Calvert	Gonzalez	Linder
Camp	Goode	Lucas (OK)
Cannon	Goodlatte	Manzullo
Cantor	Goss	McCotter
Capito	Granger	McCrery
Carson (OK)	Graves	McKeon
Carter	Green (TX)	Mica
Chabot	Hall	Miller (FL)
Chocola	Hart	Miller (MI)
Coble	Hastings (WA)	Miller, Gary
Cole	Hayes	Mollohan
Collins	Hayworth	Moran (KS)
Cramer	Hefley	Murphy
Crane	Hensarling	Musgrave
Crenshaw		Myrick

## NAYS—207

Aderholt	Crane	Graves
Akin	Crenshaw	Green (WI)
Bachus	Cubin	Greenwood
Ballenger	Culberson	Hall
Barrett (SC)	Cunningham	Harris
Bartlett (MD)	Davis, Jo Ann	Hart
Barton (TX)	Davis, Tom	Hastings (WA)
Bass	Deal (GA)	Hayes
Beauprez	DeLay	Hayworth
Bereuter	DeMint	Hefley
Biggart	Diaz-Balart, M.	Hensarling
Bilirakis	Doolittle	Herger
Bishop (UT)	Dreier	Hobson
Blackburn	Duncan	Hoekstra
Blunt	Dunn	Hostettler
Boehner	Ehlers	Houghton
Bonilla	Emerson	Hulshof
Bonner	English	Hunter
Bono	Everett	Hyde
Boozman	Feeney	Isakson
Bradley (NH)	Ferguson	Issa
Brady (TX)	Flake	Istook
Brown (SC)	Foley	Janklow
Burgess	Forbes	Jenkins
Burns	Fossella	Johnson (IL)
Calvert	Franks (AZ)	Johnson, Sam
Camp	Frelinghuysen	Jones (NC)
Cannon	Gallegly	Keller
Cantor	Garrett (NJ)	Kelly
Capito	Gerlach	Kennedy (MN)
Carter	Gibbons	King (IA)
Castle	Gilchrest	King (NY)
Chabot	Gillmor	Kingston
Chocola	Gingrey	Kirk
Coble	Goode	Kline
Cole	Goodlatte	Knollenberg
Collins	Goss	Kolbe

LaHood	Peterson (PA)	Simmons
Latham	Petri	Simpson
LaTourette	Pickering	Smith (MI)
Lewis (CA)	Pitts	Smith (NJ)
Lewis (KY)	Platts	Smith (TX)
LoBiondo	Pombo	Souder
Lucas (OK)	Porter	Stearns
Manzullo	Portman	Sullivan
McCotter	Pryce (OH)	Sweeney
McCrery	Putnam	Tancredo
McKeon	Radanovich	Tauzin
Mica	Ramstad	Taylor (NC)
Miller (FL)	Regula	Terry
Miller (MI)	Rehberg	Thomas
Miller, Gary	Reynolds	Thornberry
Moran (KS)	Rogers (AL)	Tiahrt
Murphy	Rogers (KY)	Tiberi
Musgrave	Rogers (MI)	Toomey
Myrick	Rohrabacher	Turner (OH)
Nethercutt	Royce	Upton
Neugebauer	Ryan (WI)	Vitter
Ney	Ryun (KS)	Walsh
Northup	Saxton	Wamp
Norwood	Schrock	Weldon (FL)
Nunes	Sensenbrenner	Weldon (PA)
Osborne	Sessions	Weller
Ose	Shadegg	Whitfield
Otter	Shaw	Wicker
Oxley	Shays	Wilson (SC)
Pearce	Sherwood	Wolf
Pence	Shimkus	Young (AK)
Peterson (MN)	Shuster	Young (FL)

## NOT VOTING—43

Ackerman	Granger	McInnis
Baker	Gutknecht	Meehan
Berman	Hastings (FL)	Napolitano
Brown (OH)	Hinchee	Nussle
Burr	Hooley (OR)	Ortiz
Burton (IN)	Johnson (CT)	Paul
Buyer	Jones (OH)	Quinn
Cox	Kaptur	Rangel
Davis (AL)	Kilpatrick	Reyes
DeFazio	Kucinich	Ros-Lehtinen
Diaz-Balart, L.	Lewis (GA)	Towns
Doggett	Linder	Walden (OR)
Fattah	Lipinski	Wu
Fletcher	Majette	
Gephardt	Matsui	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1217

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# CONFERENCE REPORT ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

Mr. HOBSON submitted the following conference report and statement on the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes:

## CONFERENCE REPORT (H. REPT. 108-357)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2754) "making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for energy and water development, and for other purposes, namely:*

## TITLE I

## DEPARTMENT OF DEFENSE—CIVIL

## DEPARTMENT OF THE ARMY

## CORPS OF ENGINEERS—CIVIL

*The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, aquatic ecosystem restoration, and related purposes.*

## GENERAL INVESTIGATIONS

*For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$116,949,000, to remain available until expended: Provided, That for the Ohio Riverfront, Cincinnati, Ohio, project, the cost of planning and design undertaken by non-Federal interests shall be credited toward the non-Federal share of project design costs: Provided further, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$250,000 for preconstruction engineering and design of Waikiki Beach, Oahu, Hawaii, the project to be designed and evaluated, as authorized: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$100,000 for the continuation and completion of feasibility studies of Kihei Beach, Maui, Hawaii: Provided further, That any recommendations for a National Economic Development Plan shall be accepted notwithstanding the extent of recreation benefits supporting the project features, in view of the fact that recreation is extremely important in sustaining and increasing the economic well-being of the State of Hawaii and the nation.*

## CONSTRUCTION, GENERAL

*For the prosecution of river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,722,319,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and*

*Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota: Provided, That using \$9,280,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Secretary of the Army is directed to accept advance funds, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Los Angeles Harbor, California, project authorized by section 101(b)(5) of Public Law 106-541: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$750,000 of the funds provided herein to continue construction of the Hawaii Water Management Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$2,500,000 of the funds appropriated herein to continue construction of the navigation project at Kaunapali Harbor, Hawaii: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$6,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program to continue construction of seepage control features and to design and construct repairs to the tainter gates at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the New York and New Jersey Harbor project, 50-foot deepening element, upon execution of the Project Cooperation Agreement: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the construction of the Port Jersey element of the New York and New Jersey Harbor or reimbursement to the Local Sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element: Provided further, That funds appropriated in this Act for the preservation and restoration of the Florida Everglades shall be made available for expenditure unless: (1) the Secretary of the Army, not later than 30 days after the date of enactment of this Act, transmits to the State of Florida and the Committees on Appropriations of the House of Representatives and the Senate a report containing a finding and supporting materials indicating that the waters entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet the water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District; (2) the State fails to submit a satisfactory plan to bring the waters into compliance with the water quality requirements within 45 days of the date of the report; (3) the Secretary transmits to the State and the Committees a follow-up report containing a finding that the State has not submitted such a plan; and (4) either the Committee on Appropriations of the House of Representatives or the Senate issues a written notice disapproving of further expenditure of the funds: Provided further, That the Secretary of the Army shall provide the State of Florida with notice and an opportunity to respond to any determination of the Secretary under the preceding proviso before the determination becomes final: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$17,000,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the*